

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tarlee Sonie	Team: Squad #09	CCRB Case #: 202302060	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/06/2022 11:15 PM	Location of Incident: In front of 1915 Lexington Avenue	18 Mo. SOL 5/6/2024	Precinct: 25		
Date/Time CV Reported Fri, 03/10/2023 11:52 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/10/2023 11:52 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. PO Debbie Jimenez	00522	959954	PBMN SU PST
3. PO Michael Delia	18222	963953	019 DET
4. DTS Maximilian Warner	00558	951421	PBMN SU PST

Officer(s)	Allegation	Investigator Recommendation
A . Officers	Abuse: Officers stopped individuals.	
B . Officers	Abuse: Officers frisked individuals.	
C . Officers	Abuse: Officers stopped § 87(2)(b)	
D . Officers	Abuse: Officers frisked § 87(2)(b)	
E . DTS Maximilian Warner	Abuse: Detective Maximilian Warner stopped § 87(2)(b)	
F . PO Michael Delia	Abuse: Police Officer Michael Delia stopped § 87(2)(b)	
G . DTS Maximilian Warner	Abuse: Detective Maximilian Warner frisked § 87(2)(b)	
H . PO Michael Delia	Abuse: Police Officer Michael Delia frisked § 87(2)(b)	
I . DTS Maximilian Warner	Abuse: Detective Maximilian Warner improperly used his body-worn camera.	
J . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez improperly used her body-worn camera.	
K . DTS Maximilian Warner	Abuse: Detective Maximilian Warner stopped § 87(2)(b)	
L . DTS Maximilian Warner	Abuse: Detective Maximilian Warner frisked § 87(2)(b)	
M . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez frisked § 87(2)(b)	
N . DTS Maximilian Warner	Abuse: Detective Maximilian Warner searched § 87(2)(b)	
O . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez searched § 87(2)(b)	
P . PO Michael Delia	Abuse: Police Officer Michael Delia frisked § 87(2)(b)	
Q . PO Michael Delia	Abuse: Police Officer Michael Delia searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
R . DTS Maximilian Warner	Abuse: Detective Maximilian Warner failed to explain to § 87(2)(b) the reason for a law enforcement activity.	
S . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez failed to explain to § 87(2)(b) the reason for a law enforcement activity.	
T . DTS Maximilian Warner	Abuse: Detective Maximilian Warner failed to provide § 87(2)(b) with a business card.	
U . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez failed to provide § 87(2)(b) with a business card.	
V . PO Debbie Jimenez	Abuse: Police Officer Debbie Jimenez refused to provide her name to § 87(2)(b)	
W . PO Debbie Jimenez	Force: Police Officer Debbie Jimenez used physical force against § 87(2)(b)	
X . PO Debbie Jimenez	Discourtesy: Police Officer Debbie Jimenez spoke discourteously to § 87(2)(b)	
Y . DTS Maximilian Warner	Abuse: Detective Maximilian Warner threatened to issue summons to § 87(2)(b)	
Z . PO Michael Delia	Force: Police Officer Michael Delia used physical force against § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

## Case Summary

On March 10, 2023, § 87(2)(b) filed this complaint over the phone with the CCRB on behalf of himself and his friends, who he identified only as § 87(2)(b) and § 87(2)(b).

On November 6, 2022, at approximately 11:15 pm, in front of 1915 Lexington Avenue in Manhattan, officers stopped and frisked a group of individuals and § 87(2)(b) (**Allegations A-D: Abuse of Authority, § 87(2)(g)**). Detective Maximilian Warner and Police Officer Michael Delia of Patrol Borough Manhattan North then stopped and frisked § 87(2)(b) (**Allegations E-H: Abuse of Authority, § 87(2)(g)**). Det. Warner and PO Debbie Jimenez, also of Patrol Borough Manhattan North, failed to activate their body-worn cameras (BWCs) as required during this incident (**Allegations I-J: Abuse of Authority, § 87(2)(g)**). Det. Warner stopped § 87(2)(b) (**Allegation K: Abuse of Authority, § 87(2)(g)**). Det. Warner and PO Jimenez frisked and searched § 87(2)(b) (**Allegations L-O: Abuse of Authority, § 87(2)(g)**). PO Delia also frisked and searched § 87(2)(b) (**Allegation P-Q: Abuse of Authority, § 87(2)(g)**). Det. Warner and PO Jimenez failed to explain the reason for the stop to § 87(2)(b) (**Allegations R-S: Abuse of Authority, § 87(2)(g)**). Det. Warner and PO Jimenez did not provide their business cards to § 87(2)(b) (**Allegations T-U: Abuse of Authority, § 87(2)(g)**). PO Jimenez refused to provide her name to § 87(2)(b) upon request (**Allegation V: Abuse of Authority, § 87(2)(g)**). PO Jimenez then pushed § 87(2)(b) (**Allegation W: Force, § 87(2)(g)**) and told him, “I don’t give a fuck,” (**Allegation X: Discourtesy, § 87(2)(g)**). Det. Warner threatened to issue a summons to § 87(2)(b) (**Allegation Y: Abuse of Authority, § 87(2)(g)**). PO Delia then pushed § 87(2)(b) (**Allegation Z: Force, § 87(2)(g)**). § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

No arrests were made or summons were issued in relation to this incident.

The investigation obtained two cell phone video recordings of this incident from § 87(2)(b) (**Board Review 03, 04**).

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Officers stopped individuals.**

**Allegation (B) Abuse of Authority: Officers frisked individuals.**

**Allegation (C) Abuse of Authority: Officers stopped § 87(2)(b)**

**Allegation (D) Abuse of Authority: Officers frisked § 87(2)(b)**

**Allegation (E) Abuse of Authority: Detective Maximilian Warner stopped § 87(2)(b)**

**Allegation (F) Abuse of Authority: Police Officer Michael Delia stopped § 87(2)(b)**

**Allegation (G) Abuse of Authority: Detective Maximilian Warner frisked § 87(2)(b)**

**Allegation (H) Abuse of Authority: Police Officer Michael Delia frisked § 87(2)(b)**

§ 87(2)(b) testified (**Board Review 05, 33, 34**) that at 11:15pm on November 6, 2022, he, § 87(2)(b) and § 87(2)(b) were standing in front of the deli located at 1915 Lexington Avenue in Manhattan, when he observed Det. Warner, PO Delia, and PO Jimenez exit an unmarked vehicle at the corner of East 119<sup>th</sup> Street and Lexington Avenue. The officers walked over to a group of five or six individuals standing near the deli, approximately 20 feet away from § 87(2)(b) and his friends. § 87(2)(b) saw officers stop and frisk some of these individuals but did not recall which officers took these actions. Officers

then stopped and frisked § 87(2)(b) but § 87(2)(b) did not recall which of the three officers did so. Det. Warner and PO Delia then stopped and frisked § 87(2)(b).

§ 87(2)(b) did not provide contact information for § 87(2)(b) and the investigation was unsuccessful in its attempts to interview § 87(2)(b) (Board Reviews 07-11).

Det. Warner, PO Jimenez, and PO Delia (Board Reviews 12-14) all testified that they had no independent recollection of stopping, frisking, or otherwise engaging with § 87(2)(b) § 87(2)(b) or a group of individuals near the incident location.

Requests for stop reports prepared by Det. Warner, PO Jimenez, and PO Delia for the incident date and time returned negative results (Board Review 15, 19). Memo books for Det. Warner, PO Jimenez, and PO Delia do not contain any relevant entries (Board Reviews 16-18). Cell phone videos provided by § 87(2)(b) do not capture officers stopping or searching § 87(2)(b) § 87(2)(b) or a group of individuals (Board Review 03, 04). Requests for BWC video footage for Det. Warner, PO Jimenez, and PO Delia returned negative results (see Allegations I-J) (Board Review 01, 02).

§ 87(2)(g)

**Allegation (I) Abuse of Authority: Detective Maximilian Warner improperly used his body-worn camera.**

**Allegation (J) Abuse of Authority: Police Officer Debbie Jimenez improperly used her body-worn camera.**

**Allegation (K) Abuse of Authority: Detective Maximilian Warner stopped § 87(2)(b)**

**Allegation (L) Abuse of Authority: Detective Maximilian Warner frisked § 87(2)(b)**

**Allegation (M) Abuse of Authority: Police Officer Debbie Jimenez frisked § 87(2)(b)**

**Allegation (N) Abuse of Authority: Detective Maximilian Warner searched § 87(2)(b)**

**Allegation (O) Abuse of Authority: Police Officer Debbie Jimenez searched § 87(2)(b)**

**Allegation (P) Abuse of Authority: Police Officer Michael Delia frisked § 87(2)(b)**

**Allegation (Q) Abuse of Authority: Police Officer Michael Delia searched § 87(2)(b)**

**Allegation (R) Abuse of Authority: Detective Maximilian Warner failed to explain to § 87(2)(b) the reason for a law enforcement activity.**

**Allegation (S) Abuse of Authority: Police Officer Debbie Jimenez failed to explain to § 87(2)(b) the reason for a law enforcement activity.**

**Allegation (T) Abuse of Authority: Detective Maximilian Warner failed to provide § 87(2)(b) with a business card.**

**Allegation (U) Abuse of Authority: Police Officer Debbie Jimenez failed to provide § 87(2)(b) with a business card.**

**Allegation (V) Abuse of Authority: Police Officer Debbie Jimenez refused to provide her name to § 87(2)(b)**

**Allegation (W) Force: Police Officer Debbie Jimenez used physical force against § 87(2)(b)**

**Allegation (X) Discourtesy: Police Officer Debbie Jimenez spoke discourteously to § 87(2)(b)**

§ 87(2)(b) (Board Review 05, 33, 34) testified that he was seated on his bicycle when Det. Warner grabbed him by his bookbag and said, “Hey, where you going?” and “Why are you continuing to



run?" At the time, § 87(2)(b) was wearing all black and had a red bookbag with him. § 87(2)(b) pockets were empty and his bookbag contained only a small charger. Det. Warner, PO Jimenez, and PO Delia then entered his coat pocket and front jeans pockets, patted down his pants over his groin, and patted down his bookbag. None of the officers explained the reason for the stop, frisk, or search. The officers were wearing body cameras but did not activate them.

§ 87(2)(b) first cell phone video (**Board Review 03**) begins with a male officer immediately in front of him, stating "Why are you trying to take off?" as a hand with thick fingers, no rings, and unmanicured nails frisks the outside of § 87(2)(b) pocket. § 87(2)(b) responds, "Cause why you touching me? Why you touching me? Why are you in my bag?" At 00:03, PO Jimenez is standing immediately in front of the camera and beside a red-and-black striped object. Her BWC is visible and is not activated. PO Jimenez states, "Relax, relax." It is unclear where her hands are. At 00:05, the torso of a male officer is visible; a BWC attached to his uniform is not activated. At 00:07, the palm of a hand with no rings and thick fingers enters § 87(2)(b) pocket. § 87(2)(b) says, "Why you touching me for, what's up with you?" PO Jimenez states, "Relax, relax." § 87(2)(b) then states, "Yo, what are you doing?" PO Jimenez again states, "Relax." At 00:10, PO Jimenez's left hand is visible; her fingers are slender, her nails are manicured, and she wears rings on her index and ring fingers. She briefly appears to reach for § 87(2)(b) bookbag, although it is unclear if she pats it down or enters it. It is unclear from the video whether there are any visible bulges in § 87(2)(b) pockets or bookbag. At 00:13, PO Jimenez and Det. Warner conclude the stop and walk away from § 87(2)(b). Neither explains the reason for the stop or offers him a business card. § 87(2)(b) follows them, walking immediately behind PO Jimenez. § 87(2)(b) then asks PO Jimenez for her name three times at 00:14, 00:15 and 00:17. The first and second time, PO Jimenez does not respond. At the third request, PO Jimenez turns around and instructs § 87(2)(b) to "get back." Her right arm is up and her hand points toward the sidewalk as she says this. She does not push § 87(2)(b). § 87(2)(b) then states, "I live right here, why are you pushing me?" PO Jimenez replies, "I don't give a fuck, get back." She turns her body away from § 87(2)(b) as she says this and does not push § 87(2)(b). § 87(2)(b) then says, "She just pushed me," and again asks, "What's your name?" PO Jimenez does not respond. At 00:33, after § 87(2)(b) asks for his name, Det. Warner points to his shield and then provides his name verbally. At this same timestamp, PO Delia can be seen walking toward the officers and § 87(2)(b) from down the block. At no point prior to this is PO Delia visible in the footage. At no point in the footage does either Det. Warner or PO Jimenez provide § 87(2)(b) with a reason for the stop or a business card.

Det. Warner, PO Jimenez, and PO Delia all testified (**Board Reviews 12-14**) that they did not independently recall the incident, but after watching the cell phone video, all acknowledged that § 87(2)(b) was stopped. They all stated that they routinely patrolled the location as it was a frequent site of criminal and gang activity, including violent crimes and robberies. All denied being familiar with § 87(2)(b).

Det. Warner and PO Jimenez (**Board Review 12-13**) both identified themselves in the first cell phone video as the officers standing near § 87(2)(b). Both also acknowledged that the video showed a stop, frisk, and search of § 87(2)(b). Both stated that they did not recall the reason for the stop, what happened immediately preceding the stop, or whether they observed any bulges on § 87(2)(b) person. Both acknowledged that they did not activate their BWC at any point during the stop. Both were unsure why they did not do so and noted that a stop typically requires BWC activation. Both stated that they did not recall if they explained the reason for the stop to § 87(2)(b) and stated that officers are required to explain the reason for a stop.

Det. Warner noted (**Board Review 12**) that although the video did not show him providing a reason for the stop, the video did not appear to show the entirety of the stop and so he did not know if he

provided one. Det. Warner did not recall whether he provided a business card to § 87(2)(b)

After being shown the first cell phone video, PO Jimenez testified (**Board Review 13**) that the video showed she did not provide a business card to § 87(2)(b). Additionally, she did not provide her name to § 87(2)(b) despite being asked to do so. She explained that she did not provide § 87(2)(b) with her name because he was following closely behind her while her back was turned and so she felt unsafe and like she did not have a safe space in which to provide him with her name. PO Jimenez explained that her fear stemmed from being a female officer and § 87(2)(b) proximity. PO Jimenez acknowledged that officers are supposed to give their names upon request, but stated that if the officer feels unsafe, they are not required to provide their names. PO Jimenez confirmed that she told § 87(2)(b) “I don’t give a fuck,” and testified that she did so because he was not listening to her commands to back up, which made the situation a stressful one. She did not recall pushing § 87(2)(b).

PO Delia (**Board Review 14**) denied frisking or searching § 87(2)(b) and noted that he was likely not involved in the stop as the video showed him walking toward the location of the stop from somewhere else after the conclusion of the stop.

Two separate BWC requests yielded negative results (**Board Review 01-02**).

According to *People v. De Bour*, 40 N.Y.2d 210 and **Patrol Guide Procedure 212-11 (Board Reviews 35, 21)**, officers may forcibly stop an individual when they have “reasonable suspicion” that the person “has committed, is committing, or is about to commit a felony or misdemeanor.” Officers may frisk and subsequently search an individual only if they reasonably suspect that such an individual is armed.

Although § 87(2)(b) testified PO Delia was involved in frisking and searching him, cell phone video shows that the only officers standing near him at the time were Det. Warner and PO Jimenez. The footage further depicts PO Delia walking toward the officers from another location after the conclusion of the stop. § 87(2)(g)

Cell phone footage corroborates § 87(2)(b) statement that Det. Warner stopped him as it captures Det. Warner asking § 87(2)(b) why he was trying to take off. It also corroborates § 87(2)(b) allegation that Det. Warner frisked and searched him as it shows that he and PO Jimenez were the only officers present when a hand distinct from PO Jimenez’s frisks § 87(2)(b) and enters his pocket. However, the video does not capture what happened prior to the stop. § 87(2)(g)

Additionally, neither Det. Warner nor PO Jimenez recalled the basis for stopping, frisking, or searching § 87(2)(b) § 87(2)(g)

While cell phone footage depicts PO Jimenez positioned behind § 87(2)(b) during the stop, frisk, and search and shows her momentarily reaching for his bookbag, it is unclear if she frisks it or otherwise frisks or searches § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

Members of the service are required to activate their BWC prior to engaging in “any police action,” including investigative encounters **Patrol Guide Procedure 212-123 (Board Review 20)**. Officers are to activate their BWCs for all encounters with civilians that involve frisks and/or searches **Patrol Guide Procedure 212-11 (Board Review 21)**.

Cell phone video shows that Det. Warner was engaged in a police action, that PO Jimenez was present during that police action, and that their BWCs were not activated. § 87(2)(g)

According to *New York City Administrative Code 14-174 (Board Review 28)*, when conducting law enforcement activities, including frisks and searches, officers are to provide the civilian with an explanation for the activity unless providing that reason would impair a criminal investigation. At the conclusion of the frisk and/or search, officers are to offer a business card to the civilian who was frisked or searched. Further, when a civilian requests an officer’s name, officers are to verbally provide that information or offer them a business card.

Officers are to courteously and clearly state their rank, name, shield number, and command, or otherwise provide them to anyone who requests them to do so **NYPD Patrol Guide 203-09 (Board Review 24)**.

Cell phone video does not show the beginning of the stop. § 87(2)(g)

Cell phone footage clearly shows Det. Warner and PO Jimenez ending the stop and walking away from § 87(2)(b) without offering him business cards. His request for their names moments later further indicates that they did not provide him with business cards at any point prior to the end of the stop. § 87(2)(g)

Cell phone video shows that § 87(2)(b) clearly requested PO Jimenez’s name several times within her earshot and that she did not provide it. § 87(2)(g)

While § 87(2)(b) alleged that PO Jimenez pushed him, the cell phone video does not depict PO Jimenez making physical contact with § 87(2)(b) and rather depicts PO Jimenez outstretching her hand in § 87(2)(b) direction, instructing him to get back, and then turning her body away from him. § 87(2)(g)

Police officers must always maintain a higher standard of integrity than what is generally expected of others, and must treat everyone with compassion, courtesy, professionalism, and respect. NYPD

**Patrol Guide 200-02 (Board Review 25)**. However, in prior disciplinary cases, it was held that the use of profane remarks during stressful situations or while an officer is trying to get a chaotic situation under control or maintain order, does not constitute misconduct. **DAO-DCT 2017-17005 (Board Review 26)**.

Although PO Jimenez testified that she used profanity because the situation was a stressful one in which § 87(2)(b) posed a threat, video shows that he was only asking for her name, recording on his cell phone, and not making any threats. Additionally, § 87(2)(b) was alone at the time and the incident was not chaotic. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (Y) Abuse of Authority: Detective Maximilian Warner threatened to issue summons to § 87(2)(b)**

§ 87(2)(b) testified (**Board Review 05, 33, 34**) that when officers stopped and searched him, he was on his bicycle. After the search concluded, he got off his bike and moved into the street to go home. Det. Warner then asked him, “You want a summons for this bike?”

At the beginning of the first cell phone video (**Board Review 03**), § 87(2)(b) is on the sidewalk as officers search him. At 00:22, after § 87(2)(b) has moved into the street, Det. Warner steps in front of him and states, “Do you want a summons?” Det. Warner points towards § 87(2)(b) bicycle. § 87(2)(b) responds, “For what?” and Det. Warner replies, “For that,” and points towards the bicycle again. Det. Warner again asks if § 87(2)(b) wants a summons and then turns away as § 87(2)(b) repeats, “For what?”

Det. Warner acknowledged (**Board Review 12**) that the cell phone video showed him threatening to issue § 87(2)(b) a summons. He did not recall the incident, however, and so did not know what the summons would have been for. He noted that, given the cell phone footage, it was possible he may have been threatening to issue a summons for § 87(2)(b) riding his bicycle on the sidewalk.

No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred dollars **New York Administrative Code 19-176 (Board Review 27)**.

While it is undisputed that § 87(2)(b) had his bicycle with him when Det. Warner threatened to issue him a summons, it is also clear from the footage that § 87(2)(b) was on the street and not the sidewalk at that time. § 87(2)(b) did not testify that he rode his bicycle on the sidewalk and cell phone footage does not show whether he did so. However, as noted earlier, the footage does not capture the entirety of the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (Z) Force: Police Officer Michael Delia used physical force against § 87(2)(b)**

§ 87(2)(b) testified (**Board Review 05, 33, 34**) that after Det. Warner threatened to issue him a summons, he rode across the street for approximately five to 10 feet, when PO Delia walked over to him, pushed him off his bicycle, and told him to get out of the road. § 87(2)(b) did not allege injuries.



At 00:10 in the second cell phone video (**Board Review 04**), § 87(2)(b) rides into the street behind a double-parked sedan as PO Delia walks towards him. § 87(2)(b) then rides around the rear of the parked sedan as PO Jimenez and Det. Warner walk towards him. At 00:17, he turns around and PO Delia walks in front of him and states, “Get out of the street.” The video becomes blurry and shaky, and a soft thud is audible. When the video becomes clear, § 87(2)(b) is still on his bicycle and has not fallen. § 87(2)(b) then states, “Push me again, push me again on camera.” PO Delia is to § 87(2)(b) side and Det. Warner walks alongside him. Both officers tell § 87(2)(b) to get out of the street. Det. Warner then instructs § 87(2)(b) to get out of the street, stating that he is in danger of getting hit by a car.

PO Delia denied pushing § 87(2)(b) off his bicycle and stated that he did not observe any officer on scene do so (**Board Review 14**).

Officers are permitted to use reasonable force when to ensure the safety of an individual or to otherwise protect life **Patrol Guide Procedure 221-01** (**Board Review 36**).

It is unclear from the video whether PO Delia pushed § 87(2)(b) and, if he did, whether anyone’s safety was at risk in a way that would have permitted PO Delia to use force. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]
  - [REDACTED]
- Det. Warner has been a member of service for 12 years and has been a subject in nine other CCRB complaints and 24 other allegations, of which two were substantiated.:
  - 202207555 involved substantiated allegations of failure to provide RTKA card against Det. Warner. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
  - § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Delia has been a member of service for six years and has been a subject in 10 other CCRB complaints and 51 other allegations, eight of which were substantiated:
  - 202204266 involved substantiated stop, frisk, and search allegations against PO Delia. The Board recommended Command Discipline B and the NYPD declined to impose discipline.
  - 202207555 involved substantiated allegations of failure to provide RTKA card (*twice*), vehicle search, and discourteous language. The Board recommended Charges and the NYPD has not yet imposed discipline.
  - 202307187 involved a substantiated vehicle search allegation. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline. Two additional physical force allegations have been pleaded and closed as unable to determine against PO Delia in cases 202207436 and 202202279.
  - § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED] § 87(2)(g) [REDACTED]  
[REDACTED]
- PO Jimenez has been a member of service for eight years and has been a subject in seven other cases and 29 other allegations, of which eight have been substantiated.
  - 202103268 involved substantiated failure to provide RTKA card, frisk, refusal to provide name, and stop allegations. The Board recommended Charges. The NYPD imposed forfeiture of three vacation days.
  - 202207555 involved substantiated failure to provide RTKA card (*twice*) and vehicle search allegations. The Board recommended Command Discipline B and the NYPD has not yet imposed discipline.
  - 202307187 involved a substantiated frisk allegation. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
  - In the current case, it was alleged that PO Jimenez failed to provide § 87(2)(b) [REDACTED] with a RTKA card. As noted above, three additional allegations of failure to provide RTKA card have been substantiated against PO Jimenez. § 87(2)(g) [REDACTED]  
[REDACTED]

### Mediation, Civil, and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.

- As of September 9, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 31**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **RPBP History**

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad No.: 9

Investigator:	<u>Tarlee Sonie</u>	<u>Inv. Tarlee Sonie</u>	<u>03/12/2024</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Rachel Adler</u>	<u>SI Rachel Adler</u>	<u>03/13/2024</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date